

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

MARIE HELENE CHARLAP,  
Plaintiff,

V.

UNITED STATES POSTAL  
SERVICE

Defendant.

Civil Action Number:

Pursuant to 28 U.S.C. § 2401(b) and 39 C.F.R. 912.9(a), the Plaintiff, Marie Helene Charlap hereby files this civil action pursuant to the Federal Tort Claims Act for his Complaint against Defendant, United States Postal Service and alleges as follows:

**THE PARTIES**

1. Marie Helene Charlap, is an individual residing at 77 Bleeker Street, Apt. 316, in New York, New York.
2. The Defendant is the United States Postal Service, Post Office 1 Williams Street, Williamsburg, Massachusetts.

**JURISDICTION**

3. This is an action brought against the United States Postal Service as a result of personal injuries sustained by the plaintiff as a result of the negligence of an employee of the United States Postal Service while in the course of the employee's operation of the Defendant's postal vehicle in Williamsburg, Massachusetts.
4. A claim for damage and injury was submitted by the plaintiff on February 28, 2020, to the appropriate federal agency, the United States Postal Service. See Exhibit A.
5. The Defendant has failed to issue a written decision relative to the Plaintiff's claim for damage.
6. In accordance with 28 U.S.C. Section 2401 (b) and 39 C.F.R. 912.9(a), the plaintiff now files this suit in the United States District Court.

**FACTS**

7. The Plaintiff re-alleges and incorporates by reference, as if more fully stated herein, paragraphs 1 through 6 of the Complaint.
8. On or about April 21, 2018, and at all times material hereto, the Plaintiff was operating a bicycle with due care and traveling Eastbound on Goshen Road in the City of Williamsburg, Massachusetts.
9. On or about April 21, 2018, and at all times material hereto, Sheryl A. Gardner, was an agent, servant and/or employee of the Defendant, United States Postal Service, and was operating a United States Postal Service Truck Eastbound on Goshen Road in Williamsburg, Massachusetts when she pulled the vehicle onto the shoulder of the road.
10. On this date, and at times material hereto, the Defendant's agent, servant and/or employee, Ms. Gardner, suddenly, and without warning, crossed the white fog line and attempted to enter the roadway by virtue of an illegal U-turn, and negligently, carelessly and/or recklessly failed to yield to traffic from the Plaintiff cyclist causing a violent collision that resulted in extensive damage to the Plaintiff's bicycle and severe and debilitating personal injuries including, but not limited to, a three-part Jefferson fracture of the C1 vertebrae; non-displaced right clavicle fracture; severe bilateral occipital/temporal headaches; fractured teeth #'s 9,10,11,12,13,14,15; and broken crown #'s 18, 19, 20, 21, 22.
11. The Defendant's agent, servant and/or employee, Ms. Sheryl Gardner, was issued a written warning for marked lanes violation and failing to yield, Citation Number: 056070AA.

**COUNT I-NEGLIGENCE**

12. The Plaintiff re-alleges and incorporates by reference, as if more fully stated herein, paragraphs 1 through 11 of the Complaint.
13. On April 21, 2018, and at all times material hereto, Sheryl Gardner was an agent, servant and/or employee of the United States Postal Service.
14. On April 21, 2018, and all times material hereto, the Defendant through its agent, servant and/or employee, United States Postal Service owed to the Plaintiff a duty of care to operate the Defendant's motor vehicle in a safe and reasonable manner.
15. On April 21, 2018, and at all times material hereto, the Defendant, through its agent, servant and/or employee breached its duty of reasonable care owed to the Plaintiff by negligently, carelessly and/or recklessly operating the Defendant's motor vehicle by pulling the vehicle into incoming traffic from the right shoulder for purposes of an illegal U-turn across a

double lined main road and failing to yield to traffic causing a violent collision with the Plaintiff.

16. As a direct and/or proximate result of the reckless, careless and/or negligent acts of the Defendant, its agent, servant and/or employees the Plaintiff suffered, and continues to suffer, severe, debilitating and permanent injuries; suffered, and continues to suffer, great pain, anguish and emotional distress; was obligated, and continues to be obligated, to undergo medical and other needed care for his injuries; was required to incur, and continues to incur, expenses for the treatment of his injuries, was incapacitated, and continues to be incapacitated, from continuing in his usual course of conduct, activities and enjoyment of life; and was otherwise permanently and severely damaged in his bodily movements.

WHEREFORE, Plaintiffs, Marie Helene Charlap, demands judgment against the Defendant, United States Postal Service, including attorney's fees, interest, and costs.

**DEMAND FOR JURY TRIAL**

The Plaintiff demands a Trial by Jury on all issues.

Plaintiff,  
By his Attorney,  
/S/Stefani M. Field  
BBO#656442  
Gold, Albanese, Barletti & Locascio, L.L.C.  
50 Congress Street-Suite 225  
Boston, MA 02109  
617-723-5118  
617-367-8840 (fax)  
[steffylaw@aol.com](mailto:steffylaw@aol.com)

DATED: 8/26/2020